In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.2105/2007
Liyakat Ali ***Versus*** State.

Date of Order ::: 03/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. M.Iqbal Khan, for petitioner
Mr. Arun Sharma, Public Prosecutor

Instant petition U/s 482 CrPC has been filed assailing order dt.28/09/07 whereby Addl. Chief Judl. Mag. Khetri (Jhunjhunu) rejected application seeking release of vehicle on superdgi on the premise that applicant was Power of attorney holder and not registered owner of the vehicle, and that apart under provisions of the Bovine Act & so also Sections 4(2) & 5, CrPC animals cannot be released – against which revision petition was filed but dismissed by Court of Revision vide order dt.02/11/07.

This Court has gone through the finding recorded by courts below that application was filed by power of attorney holder and not by the registered owner of the vehicle seized in course of investigation. There is no reasonable justification having come forward on record as to why registered owner of the vehicle has failed to

file application for release of the vehicle on superdgi. This court does not find any infirmity in orders impugned, which may call for interference.

Consequently, misc. petition fails and is hereby dismissed along with stay petition. However, registered owner of vehicle will be free to file application afresh and if filed, the trial Judge may decide it in accordance with law.

(**Ajay Rastogi), J.**

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